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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,875	09/27/2001	Harald Lichtinger	60,426-302	2099

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY LAW DEPARTMENT
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EXAMINER

ROSENBERG, LAURA B

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/964,875

Applicant(s)

LICHTINGER ET AL.

Examiner

Laura B Rosenberg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 10-12, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 4-9 and 13-16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "108" has been used to designate both first edge 108 and second edge 112 (figure 11). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 11 is objected to because of the following informalities: "seatbelt for sensor assembly" should be --seatbelt force sensor assembly-- (line 2). Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 10-12, 17, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by O'Boyle (6,363,793). In regards to claim 1, O'Boyle discloses a mounting

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assembly (#10) for a seatbelt tension sensor (#20) comprising a rigid member (#30) having one end (near #38) operably coupled to a seatbelt portion (#80), a sensor (#20) mounted on the rigid member for measuring strain exerted on the rigid member by an input force applied to the seatbelt portion (column 4, line 66-column 5, line 13), and a bracket (#60, 70, 72) having a first mounting portion (#60) for attachment to the rigid member and a second mounting portion (#70) for attachment to a vehicle structure (best seen in figure 2) to define a guide. The recitation "for isolating said sensor from non-axial input forces applied to the seatbelt portion" leads to the intended use of the mounting assembly bracket and has been given little patentable weight because it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

In regards to claims 2 and 3, O'Boyle discloses the first mounting portion (#60) being parallel to the rigid member (#60 and #30 both run in a "longitudinal" direction in figure 1) and the second mounting portion (#70) being non-parallel to, in particular perpendicular to, the rigid member (#70 runs perpendicular to the "longitudinal" direction in figure 1).

In regards to claim 10, O'Boyle discloses the vehicle structure being a B-pillar (best seen in figure 2; column 3, lines 1-4).

In regards to claim 11, O'Boyle discloses a bracket for a seatbelt force sensor (#20) comprising a generally flat body portion (#30) for supporting a seatbelt force

sensor assembly (#20), the body portion being defined by a first end (near #38), a second end (near #36), a first side interconnecting the first and second ends to define a first edge ("top" edge of #30 in figure 1), and a second side interconnecting the first and second ends to define a second edge opposite the first edge ("bottom" edge of #30 in figure 1), and a plurality of boss portions (#60, 60) including a first boss portion ("top" #60 in figure 1) extending outwardly along a portion of the first edge and a second boss portion ("bottom" #60 in figure 1) extending outwardly along a portion of the second edge, wherein the body portion and the boss portions define a guide (via channels #36).

In regards to claim 12, O'Boyle discloses the first end including a mounting portion (sensor chamber #32) for attachment to the seatbelt force sensor assembly (#20) and the first and second bosses (#60, 60) being positioned adjacent the second end (at #64) for attachment to a vehicle structure (via #70, 72) and to define a guide (via channels #36). The recitation "for isolating the sensor assembly from non-axial input forces" leads to the intended use of the bracket guide and has been given little patentable weight because it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

In regards to claim 17, O'Boyle discloses a method of measuring a seatbelt force comprising the steps of mounting a seatbelt force sensor (#20) to a rigid plate member (#30), mounting one end (near #38) of the rigid plate member to a seatbelt portion (#80), mounting an opposite end (near #36) of the rigid plate member to a vehicle

structure (via #70, 72), applying an input force to the seatbelt portion (column 4, line 66-column 5, line 13), guiding the seatbelt portion with a guide member (#60, 70), and generating an output signal (#28) from the seatbelt force sensor representative of the force applied to the seatbelt portion. The recitation "to isolate the seatbelt force sensor from input forces applied at an angle" leads to the intended use of the mounting assembly guide member and has been given little patentable weight because it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

In regards to claim 18, O'Boyle discloses pivotally mounting the guide member (#60, 70) at one end between the rigid plate member and the vehicle structure (via #72).

5. Claims 1 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Stojanovski (6,301,977). In regards to claim 1, Stojanovski discloses a mounting assembly (#10) for a seatbelt tension sensor (#44) comprising a rigid member (transducer plate #30) having one end (near #40) operably coupled to a seatbelt portion (#12), a sensor (#44) mounted on the rigid member for measuring strain exerted on the rigid member by an input force applied to the seatbelt portion (column 3, lines 19-27), and a bracket (metal plate #32) having a first mounting portion (near #50) for attachment to the rigid member and a second mounting portion (near #36) for attachment to a vehicle structure (not labeled, best seen in figure 2) to define a guide.

The recitation "for isolating said sensor from non-axial input forces applied to the seatbelt portion" leads to the intended use of the mounting assembly bracket and has been given little patentable weight because it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

In regards to claim 17, Stojanovski discloses a method of measuring a seatbelt force comprising the steps of mounting a seatbelt force sensor (#44) to a rigid plate member (transducer plate #30), mounting one end (near #40) of the rigid plate member to a seatbelt portion (#12), mounting an opposite end (near #34) of the rigid plate member to a vehicle structure (not labeled; best seen in figure 2), applying an input force to the seatbelt portion (column 3, lines 38-57), guiding the seatbelt portion with a guide member (metal plate #32), and generating an output signal from the seatbelt force sensor representative of the force applied to the seatbelt portion (column 3, lines 25-27). The recitation "to isolate the seatbelt force sensor from input forces applied at an angle" leads to the intended use of the mounting assembly guide member and has been given little patentable weight because it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

6. Claim 11 is rejected under 35 U.S.C. 102(e) as being anticipated by Aoki (6,264,236). In regards to claim 11, Aoki discloses a bracket for a seatbelt force sensor (#14) comprising a generally flat body portion (#12) for supporting a seatbelt force sensor assembly (#14), the body portion being defined by a first end (portion of #12 near #12 in figure 2a), a second end (portion of #12 near #14 in figure 2a), a first side interconnecting the first and second ends to define a first edge ("left" edge of #12 in figure 2a), and a second side interconnecting the first and second ends to define a second edge opposite the first edge ("right" edge of #12 in figure 2a), and a plurality of boss portions (portions of #11 extending perpendicular to #12 in figure 2a) including a first boss portion ("left" boss portion of #11 in figure 2a) extending outwardly along a portion of the first edge and a second boss portion ("right" boss portion of #11 in figure 2a) extending outwardly along a portion of the second edge, wherein the body portion and the boss portions define a guide (best seen in figure 2a).

7. Claims 11 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Blakesley (6,209,915). In regards to claim 11, Blakesley discloses a bracket for a seatbelt force sensor (#14) comprising a generally flat body portion (#30) for supporting a seatbelt force sensor assembly (#14), the body portion being defined by a first end (near #36), a second end (near #39), a first side interconnecting the first and second ends to define a first edge ("left" edge of #30 in figure 1), and a second side interconnecting the first and second ends to define a second edge opposite the first edge ("right" edge of #30 in figure 1), and a plurality of boss portions (#34, 34) including

a first boss portion ("left" #34 in figure 1) extending outwardly along a portion of the first edge and a second boss portion ("right" #34 in figure 1) extending outwardly along a portion of the second edge, wherein the body portion and the boss portions define a guide (best seen in figure 1).

In regards to claim 17, Blakesley discloses a method of measuring a seatbelt force comprising the steps of mounting a seatbelt force sensor (#14) to a rigid plate member (#30), mounting one end (near #36) of the rigid plate member to a seatbelt portion (#18; via #22), mounting an opposite end (near #39) of the rigid plate member to a vehicle structure (via #39), applying an input force to the seatbelt portion (column 4, lines 4-7), guiding the seatbelt portion with a guide member (via rails #34), and generating an output signal from the seatbelt force sensor representative of the force applied to the seatbelt portion (column 4, lines 7-11). The recitation "to isolate the seatbelt force sensor from input forces applied at an angle" leads to the intended use of the mounting assembly guide member and has been given little patentable weight because it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

Allowable Subject Matter

8. Claims 4-9 and 13-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Steffens, Jr. discloses a mounting assembly for a seatbelt tension sensor. Wier and Sayles disclose mounting arrangements for seatbelts.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura B Rosenberg whose telephone number is (703) 305-3135. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Laura B. Rosenberg

LBR

Paul N. Dickson 9/29/03

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